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### REMARKS

Claims 1, 4-6, 9-14, 17, 19, and 20 are amended. Claim 3 is canceled without prejudice or disclaimer. No new matter is added by these amendments. Claims 1-2 and 4-20 are pending. Applicant respectfully requests reconsideration and allowance of all claims in view of the amendments above and the remarks that follow.

#### Claim Objections

Claim 20 is objected to under 37 CFR 1.75(c) for "failing to limit claim 17. Claim 20 is amended to limit claim 17.

#### 35 U.S.C. 101 Rejections

Claims 1-4 are rejected under 35 U.S.C. 101 because "there is no useful, clear, concrete, and tangible result." Claim 1 is amended to recite a "computer-implemented method," which is a tangible embodiment. Claim 1 is amended to recite: "loading a database driver with the datasource configuration data and the environment variable," which provides a concrete result. Claim 1 is useful, as explained, for example, at page 4, lines 1-2 of applicant's specification: "In this way, a connection to a database server may be tested without needing to write and deploy an application." Claims 2 and 4 are statutory for depending on claim 1. Claim 3 is canceled, so the rejection is moot.

Claims 5-8 are rejected under 35 U.S.C. 101 because they are "software per se." Applicant respectfully traverses these grounds for rejection for the reasons argued below.

MPEP 2106 (II) (C) recites:

"Where means plus function language is used to define the characteristics of a machine or manufacture invention, such language must be interpreted to read on only the structures or materials disclosed in the specification and "equivalents thereof" that correspond to the recited function. In re Donaldson, 16 F.3d 1189,

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1193, 29 USPQ2d 1845, 1848 (Fed. Cir. 1994) (en banc); In re Alappat, 33 F.3d 1526, 1540, 31 USPQ2d 1545, 1554 (Fed. Cir. 1994) (en banc)."

Applicant's specification at page 5, lines 4-27 and page 6, lines 1-14 recites:

"The main memory 102 is a random-access semiconductor memory for storing data and programs. ... The memory 102 includes ... a management bean 170. ... In an embodiment, the management bean 170 includes instructions capable of executing on the processor 101 or statements capable of being interpreted by instructions executing on the processor 101 to perform the functions as further described below with reference to Fig. 4. In another embodiment, the management bean 170 may be implemented in microcode. In yet another embodiment, the management bean 170 may be implemented in hardware via logic gates and/or other appropriate hardware techniques, in lieu of or in addition to a processor-based system."

Thus, the means plus function language of claims 5-8 may be interpreted, by way of example and not by limitation, as memory including instructions that execute on a processor or by hardware logic gates that carry out the claimed functions. Thus, claims 5-8 do not lack the necessary physical components to constitute a machine or manufacture under 101, and are statutory under 35 U.S.C. 101. Claims 5-8 are further statutory under 35 U.S.C. 101 because they recite an "apparatus," which is tangible. Claims 5-8 are further statutory under 35 U.S.C. 101 for the reasons argued above with reference to claims 1-4.

Claims 9-12 are rejected under 35 U.S.C. 101 because they make "reference to a signal-bearing medium." Claims 9-12 are amended to recite a storage medium, which is tangible and statutory. Claims 9-12 are further statutory under 35 U.S.C. 101 for the reasons argued above with reference to claims 1-4.

Claims 13-20 are rejected under 35 U.S.C. 101 because "there is no useful, clear, concrete, and tangible result." Applicant respectfully traverses these grounds for

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rejection. Claims 13-20 are statutory under 35 U.S.C. 101 for the reasons argued above with reference to claims 1-4.

35 U.S.C. 112 Rejections

Claims 1, 5, 9, 13, and 17 are rejected under 35 U.S.C. 112 for “insufficient antecedent basis.” Claims 1, 5, 9, 13, and 17 are amended to provide antecedent basis for “scope data.”

35 U.S.C. 102 Rejections

Claims 1-20 are rejected under 35 U.S.C. 102(a) as being anticipated by IBM WebSphere Application Server V5.0 System Management and Configuration: WebSphere Handbook Series. Applicant respectfully submits that the claims are patentable over the reference because all of the elements of the claims are not taught or suggested by the reference, as further argued below.

Claim 1 recites: “determining whether datasource configuration data exists at the received scope level; if the datasource configuration data exists at the received scope level, finding the datasource configuration data at the received scope level; if the datasource configuration data does not exist at the received scope level, finding the datasource configuration data at a next scope level.”

In contrast, the WebSphere reference only describes “a specific scope level” in section 15.7.1 (3) (Note) and does not teach or suggest finding datasource configuration data at a next scope level if the datasource configuration data does not exist at the received scope level.

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The WebSphere reference also does not teach or suggest “determining whether the datasource configuration data exists at the received scope level,” as recited in claim 1 because the WebSphere reference connection timeout (15.7.2, page 7) and exception occurs “when the pool is at its maximum and all of the connections are in use.” Thus, the WebSphere reference exception occurs in response to all of the connections being in use and not in response to any data not existing at a scope level since the number of connections in use is unrelated to the presence or absence of datasource configuration data at a scope level.

Thus, the reference does not teach or suggest all the elements of claim 1.

Independent claims 5, 9, 13, and 17 include similar elements as argued above for claim 1 and are patentable over the reference for similar reasons. Claims 2, 4, 6-8, 10-12, 14-16, and 18-20 are dependent on claims 1, 5, 9, 13, and 17, respectively, and are patentable for the reasons argued above, plus the elements in the claims.

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Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is requested. The Examiner is invited to telephone Applicant's attorney (651-645-7135) to facilitate prosecution of this application.


If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 09-0465.

Respectfully submitted,

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By their Representative,

Date: January 10, 2007

  
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CERTIFICATE UNDER 37 CFR 1.8: I hereby certify that this correspondence is being transmitted via facsimile to the Commissioner for Patents 571-273-8300, on January 10, 2007.

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